

Minutes
Town of Oshkosh

Town Board Meeting – April 27, 2009 - 7:00 p.m. – Town Hall

PRESENT: Chairman Gerald Frey, Supervisor Carol Kaufmann, Supervisor Jim Erdman, Treasurer Maribeth Gabert, Clerk Jeannette Merten and audience of 8.

Chairman Frey called meeting to order at 7:00 p.m.

MOTION BY ERDMAN, KAUFMANN SECONDED, TO APPROVE MINUTES DATED APRIL 13, 2009 AS PRESENTED. ROLL CALL. KAUFMANN, YES; ERDMAN, YES; FREY, YES. MOTION CARRIED.

Public Participation:

Officer Eichmann with the Winnebago County Sheriff's Department answered a question about reporting violations example being a witness to someone speeding. The topic of truck traffic on Indian Pt. Rd. was brought up again. Erdman talked to the Wisconsin Towns Association's attorney and she said that we cannot stop truck traffic from conducting business; as in Gallinger's in that area. What the town can do is look into setting a weigh limit on Indian Pt. Rd. to avoid other types of truck traffic.

Bob Walter, 1879 Snell Road, mentioned that he had met with Tom Buchholz with the DOT in connection with the Hwy 41 project overpass near his property. They agreed that the culvert needs to be cleaned out. Walter is of the opinion that the culvert should also be lowered and wants to reconnect Buchholz once again to discuss this possibility. With the two or three ponds in the area, he is concerned about future drainage problems. The culvert itself is in good shape, it would be just the cost of labor to have it lowered. Walter's wanted to alert the board of this concern and would like board support. The time is now to examine the best possible solution to avoid a future issue. Erdman mentioned that Hwy 45 & 41 culverts are planned to be lowered. Frey will meet with Walter tomorrow and invite Winnebago County Bill Demler to view the area of concern.

Planning and Zoning:

Building Inspector report.

Dave Frank, Town Building Inspector, is looking into revising town ordinance regarding the Uniform Dwelling Code. He would like the topic put on the next meeting agenda and go over some of the changes updating it to current laws.

Variance Request of Clarence Smith.

Applicant is requesting a variance to build a single-family dwelling having substandard street and shore yard setbacks. Location is 5130 Chesapeake Ct.; parcel #018-0545-01.

The Town of Oshkosh Planning and Zoning Commission meet on April 20, 2009 and decided on the following:

Greg made a motion to recommend to the town board to approve of the shore yard setback variance of 52 feet and to disregard the substandard street set back from the road right away as the drawing shows a 32 foot road right of way set back. This variance stands on its own.

Reason: being when these lots were created they were to have a 50 foot shore yard setback.

Carol second. Motion carried.

MOTION MADE BY FREY, KAUFMANN SECONDED, TO APPROVE THE VARIANCE REQUEST OF CLARENCE SMITH WITH CONDITIONS AS RECOMMENDED BY THE TOWN OF OSHKOSH PLANNING & ZONING COMMISSION. ROLL CALL. FREY, YES; KAUFMANN, YES; ERDMAN, YES. MOTION CARRIED.

Conditional Use Permit of Alan Fisher.

Applicant is requesting a Conditional Use to sell automobiles in a B-2 (Community Business) zoning district. Location 4905 County Road S; parcel #018-0361.

The Town of Oshkosh Planning and Zoning Commission meet on April 20, 2009 and decided on the following:

Carol made a motion to recommend to the town board to approve of this conditional use permit to sell automobiles in a B-2 zoning district with the limit of 20 (twenty) cars and with an annual review to respond to complaints with the option to rescind the conditional use permit. There will be no transfer of this permit if a sale of the property occurs. Reason: this complies with B-2 use.

MOTION MADE BY ERDMAN, FREY SECONDED, TO APPROVE THE CONDITIONAL USE PERMIT OF ALAN FISHER WITH CONDITIONS AS RECOMMENDED BY THE TOWN OF OSHKOSH PLANNING & ZONING COMMISSION. ROLL CALL. KAUFMANN, YES; FREY, YES; ERDMAN, YES. MOTION CARRIED.

Royal Hartwig Certified Survey Map (Stillman Drive).

Terry Van Hout was in attendance to explain reasons for the CSM to the board with the original to be signed.

MOTION MADE BY ERDMAN, KAUFMANN SECONDED, TO APPROVE THE CERTIFIED SURVEY MAP OF ROYAL HARTWIG (STILLMAN DRIVE) WITH A SURVEYOR'S CERTIFICATE DATED 4/21/09. ROLL CALL. ERDMAN, YES; KAUFMANN, YES; FREY, YES. MOTION CARRIED.

Unfinished Business:

Estimate on improvements to recycling building to house Gold Cross and fees/agreement regarding use of space.

At this point, it is not likely to add an addition to building due to changes in plans. At some future date, the board will meet with Gold Cross and the VFD to work out the details in order to accommodate the ambulance stationed at the town hall year round.

Approve DOT noise variance request regarding US41 road construction.

DOT Tom Buchholz emailed a suggestive way to word the approval of their noise variance request regarding US41 road construction. The board had no objection.

KAUFMAN MADE THE MOTION, ERDMAN SECONDED, TO APPROVE A NOISE VARIANCE REQUEST BY THE DEPARTMENT OF TRANSPORTATION IN RELATIONSHIP TO THE US41 ROAD CONSTRUCTION PROJECT AS SPECIFIED BELOW:

The Wisconsin Department of Transportation request for noise variance for the US 41 Project 1120-11-74 that will be constructed July 2009 through 2010 for construction work on the WisDOT right-of-way. Project 1120-11-74 includes grading of the US 41 southbound lanes across Lake Butte des Morts, construction of the Lake Butte des Morts Drive over US 41, and grading in the US 41/45 interchange. The project will include night work to complete asphalt paving on US 41, bridge girder placement over US 41, and potential hauling of dirt for construction of the fills on the project. This variance does not cover any work from a borrow pit which would be subject to review and approval by Town/County via a separate conditional use permit.

ROLL CALL. ERDMAN, YES; FREY, YES; KAUFMANN, YES. MOTION CARRIED.

Bristol Square development; development agreement.

Postpone discussion to the next meeting agenda.

New Business:

Request from Fireworks City for a territory exclusive restriction (example: one mile) while they are in operation/business.

Fireworks City has requested if the board would approve a restriction to not allow other fireworks permits issued within a specific range, example one-mile from the business location.

ERDMAN MADE THE MOTION, KAUFMANN SECONDED, TO APPROVE AN EXCLUSIVE ONE-MILE RADUS RESTRICTION ON FIREWORKS PERMITS ISSUED BASED AT 5158 JACKSON DRIVE; THE FIREWORKS CITY LOCATION. ROLL CALL. FREY, YES; ERDMAN, KAUFMANN, YES. MOTION CARRIED.

Red Fox and Grey Wolf roads; letter of credit to complete roads.

Keith Decker was in attendance to discuss options on the completion of Red Fox and Grey Wolf Roads. Decker offered to have the roads completed sometime this summer. The base is all up to town road standards; the completion would be a layer of asphalt. He is considering hiring Northeast, which has done work for the town in the past.

Initially, Keith Decker, Double Decker Development, provided a letter of credit in the amount of \$40,000 to complete the roads at a time when the board decides. Once the roads are asphalted, then the town would take over those roads for future maintenance and snow removal. At this point they are considered private roads and Decker has maintained the snow removal. The initial idea was to allow parts of the subdivision develop first before finishing the roads.

Decker will touch base with the board sometime around first part of July and inform the board of the plan.

Street Lighting at corner of Pickett and Cty A.

There was complaint received by Chairman Frey. Wisconsin Public Service removed a street light at the corner of Pickett and Cty A. The street light was the property of the bank that had existed there. A neighbor has complained that the corner is too dark and asked to have a street light installed. Merten contacted WPS on information related to costs. Further discussion was postponed to the next meeting agenda.

Crack Sealing estimate from Fahrner.

Frey shared with board members the estimate received from Fahrner on crack sealing roads in the town.

Approve new depository at Anchor Bank.

Gabert shopped around for a better interest rates and Anchor Bank had the best deal at 2.1% in a market yield account, which is like a money market that one can write checks from. Currently, at Wachovia it was making .8%.

MOTION MADE BY KAUFMANN, ERDMAN SECONDED, TO APPROVE ANCHOR BANK AS A NEW DEPOSITORY AND MOVE FUNDS AS RECOMMENDED BY THE TOWN TREASURER. ROLL CALL. ERDMAN, YES; FREY, YES; KAUFMANN, YES. MOTION CARRIED.

Forthcoming Events of public interest:

Supervisor Erdman has been trying to keep up with the re-write of NR115. Right now no one can obtain a copy to read the new revisions. He plans to

travel north for a meeting about the NR115 status. This Thursday Erdman will attend the Winnebago County Plan Re-Write committee meeting at 3:30 p.m. Erdman has been keeping up with the East Central quarterly and annual meetings. They are pushing for regional transit authority.

Board members reported on the recently attended United Urban Towns meeting.

Correspondence:

1. Time Warner Cable; free preview and their government affairs department.
2. Winnebago Co; Ernest and Cynthia Anthes variance request granted with conditions.
3. MUG day meeting, Dale Town Hall, May 6th.
4. John St. Peter, legal letter to Virchow, Krause & Co re: audit.
5. City of Oshkosh; 2009 Weed Notice Publication.
6. Winnebago Co Highway; Bridge/Culvert Aid.

Correspondence provide to board members at meeting:

1. Congressman Petri; federal programs for local government.
2. New Flag; new business selling flags in Appleton.
3. US Bankruptcy Court regarding Charter Communications.
4. Winnebago County; conditional use requests of Grundy Enterprises, Rusch/Gabert, Hickory Oaks Campground; and variance request of Rusch/Gabert.

**MOTION TO PAY BILLS AS PRESENTED BY KAUFMANN, ERDMAN
SECONDED. MOTION CARRIED.**

**MOTION MADE BY KAUFMANN, SECONDED BY ERDMAN, TO
ADJOURN. MOTION CARRIED.**

Meeting adjourned at 8:50 p.m.

X

Jeannette Merten
Town of Oshkosh Clerk

